

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHABBAR RAFIQ,	§	
PETITIONER,	§	
	§	
v.	§	CIVIL CASE No. 3:25-CV-478-N-BK
	§	
WARDEN, SEAGOVILLE FCI,	§	
RESPONDENT.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States magistrate judge made findings, conclusions, and a recommendation in this case. Objections were filed.

The magistrate judge found that Petitioner failed to meet the burden for a temporary restraining order, or a more lasting form of preliminary injunctive relief. Doc. 35. Relying on Fifth Circuit case law, the magistrate found that the prerelease that Petitioner seeks is a change in conditions of confinement and therefore not cognizable in a habeas corpus action. In his reply and objections, Petitioner again relies on out-of-circuit decisions. Doc. 37; Doc. 38. *See Kuzmenko v. Phillips*, No. 2:25-CV-00663, 2025 WL 779743 (E.D. Cal. Mar. 10, 2025); *Martin v. Phillips*, No. 2:25-CV-00687, 2025 WL 732829 (E.D. Cal. Mar. 7, 2025); *Adejolu v. Scales*, No. 3:25-CV-245 (E.D. VA. May 15, 2025).

The Court has reviewed the cited cases. As the magistrate judge aptly noted, none of the cases is either binding or persuasive authority in the Fifth Circuit. Further, based on Fifth Circuit precedent, Petitioner's arguments are flawed. The Court concurs with the magistrate judge's conclusion that the habeas corpus petition would fail on the merits and thus Petitioner cannot establish the first factor for a temporary restraining order or preliminary injunctive relief—that

there is a substantial likelihood of success on the merits.

The court has reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Therefore, Petitioner's motions for a temporary restraining order and a preliminary injunction are **DENIED**. Doc. 18; Doc. 29.

The related motion to expedite consideration of the motion for preliminary injunctions is **DENIED as moot**. Doc. 23.

SO ORDERED this 16th day of July, 2025.


UNITED STATES DISTRICT JUDGE